

Exhibit #2

Deangilo Minor: In June 2007, Jackson County, Missouri prosecutors charged Minor with two counts of rape for two separate rapes that occurred in June and May 2007. Both victims identified Minor as their attacker. In April 2008, however, prosecutors dropped all charges against Minor after DNA tests excluded him as a possible suspect for both rapes.¹

Shaka Harrell: In January 2008, Norfolk, Virginia prosecutors charged Harrell with two counts of aggravated rape; prosecutors alleged Harrell raped a 15- and 16-year old girl as she walked to school on January 9, 2008. Like Mr. Powers, both victims identified Harrell as their assailant. In March 2008, prosecutors dropped charges against Harrell after DNA results from the offense excluded Harrell.²

Cesar Augusto Alvarez: In December 2007, Santa Clara County, California prosecutors charged Alvarez with aggravated rape after the victim identified him as her rapist. The victim had no doubt Alvarez was her assailant. In April 2008, prosecutors dropped charges against Alvarez after DNA results from the rape kit excluded Alvarez. In dropping the charges, prosecutor William G. Butler said that the “beauty of DNA is it frees the innocent and convicts the guilty.”³

Lewis Sproton: In September 2005, United Kingdom prosecutors arrested Sproton for raping and murdering his on-again, off-again girlfriend Sally Anne Bowman because he was the last person seen with her. UK police held Sproton for four days before being released when DNA tests showed semen found on Bowman’s body belonged to someone else.⁴

Drifter: In September 2002, police arrested a drifter from St. Louis, Missouri for the violent rape and baseball-bat beating of a 23-year-old woman in St. Louis County, Missouri after he confessed to the rape and beating. St. Louis authorities dropped all charges against the drifter after DNA results did not match semen found at the scene. Instead, the results implicated James Thomas Fujimoto. In January 2008, Fujimoto pled guilty to forcible rape and first-degree robbery.⁵

¹ Associated Press, Man Exonerated of Two Rapes by DNA, April 18, 2008.

² See Andria Borba, *DNA Evidence Clears Teen of Rape Charges*, wvec.com, March 7, 2008.

³ See Sean Webby & Joe Rodriguez, Santa Clara DA to Drop Charges after DNA Test Shows Suspect is Not Rapist, MERCURYNEWS.COM, April 4, 2008.

⁴ See Helen Pidd, *The Boyfriend and First Suspect*, guardian.co.uk., February 22, 2008

⁵ See Robert Patrick, *Man Pleads Guilty to Brutal Rape in Dogtown*, January 8, 2008.

Alberto Betancourt Jr.: In September 2007, Clay County, Minnesota prosecutor charged Betancourt with kidnapping and sexually assaulting a 12-year-old girl. The victim identified Betancourt and described to police how Betancourt sexually assaulted her. In December 2007, prosecutors dropped all charges against Betancourt when DNA tests on the seminal fluid from the victim's underwear did not match Betancourt's DNA.⁶

Ohio and Indiana rapes: In January 2006, Oxford, Ohio prosecutors charged a man with raping a Miami University of Ohio student at gun point. The man charged with the rape was arrested in Noblesville, Indiana for another rape. Oxford police and prosecutors believed the man was also responsible for the Miami University rape and to another rape in Connersville, Indiana. In February 2006, Oxford prosecutors dropped all charges when the DNA from the Miami University rape and other rapes did not match the man's DNA.⁷

Jerry L. Bellamy: In 2004, Monmouth County, New Jersey prosecutors charged Bellamy with the 1968 murder of a 13-year-old girl. Seventeen months later, in 2006, prosecutors dropped charged against Bellamy after DNA results on semen stains implicated Robert Zarinsky—a previously convicted murderer who is the prime suspect in several other murders.⁸

⁶See Associated Press, *Rape Charges Against Glyndon Man Dropped After DNA Tests*, WKBT.com, December 15, 2007

⁷See *DNA Tests Clear Indiana Man of Tri-State Rapes*, WKRC.com, February 2006

⁸See Robert Schwaneberg, *New Zarinsky Trial Hinges on Old DNA*, N.J. STAR-LEDGER, March 13, 2008.